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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5147

AN ORDINANCE relating to the measurement of Downtown setbacks and relocation of associated landscaping when a single lot is bisected by the Downtown Boundary; amending Section 20.25A.090D of the Bellevue Land Use Code.

WHEREAS, the City of Bellevue has complied with the State Environmental Policy Act (SEPA), RCW 43.21C, and the City's Environmental Procedures Code, BCC 22.02; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Section 20.25A.090D of the Land Use Code is hereby amended as follows:

20.25A.090 Perimeter Design District.

D. Development Standards.

1. Limitation on Modification. Notwithstanding any other provision of the Land Use Code, the development standards contained in this subsection may not be modified.
2. Perimeter Design District in Non-Downtown Districts. Development requirements for O Districts are set forth in LUC 20.20.010. If there is any difference between the requirements of LUC 20.20.010 and the requirements of this section, the most restrictive requirements shall apply.

3. Perimeter Design District Dimensional Requirements:

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Notes: Perimeter Design District Dimensional Requirements:

- (1) Measured from inside edge of required perimeter sidewalk, if applicable. If existing utilities which cannot reasonably be relocated result in the planting of street trees on the property side of a sidewalk as provided for in LUC 20.25A.060, four feet is added to the required setback.
  - (2) The maximum building height may only be achieved by participation in the FAR Amenity Incentive System (LUC 20.25A.030). Except in Subdistrict A, the maximum height may be exceeded by no more than 10 percent or 10 feet, whichever is less, and only if the additional height is used to provide interesting roof forms such as pitched or sloped elements, pyramidal, spire or dome shapes, cupolas, or other decorative architectural features. In Subdistrict C, the maximum building height may be increased by no more than 15 percent if an interesting roof form is provided and if the applicant demonstrates that added height is necessary for provision of the neighborhood services listed in paragraph D.4 of this section.
  - (3) The maximum permitted FAR may only be achieved by participation in the FAR Amenity Incentive System (LUC 20.25A.030). Where residential and nonresidential uses occur in the same building, the FAR is limited to the maximum FAR for the building type as determined in accordance with Note (8) and LUC 20.25A.020.A.2, Note (7). See LUC 20.25A.070.D for FAR requirements in Old Bellevue.
  - (4) See LUC 20.25A.020.B for exceptions to minimum setback requirements.
  - (5) Notwithstanding any other provisions of this Code, in Subdistricts A and B, hotels and motels shall be considered as nonresidential structures, and in Subdistrict C they shall be considered as residential structures.
  - (6) The maximum lot coverage in Downtown-OB is 100 percent.
  - (7) In Subdistrict C, the FAR amenity system in LUC 20.25A.030 may be used to achieve building height not to exceed 65 feet and FAR not to exceed 1.5. The maximum nonresidential FAR of 3.0 and maximum nonresidential 100-foot height may only be achieved through participation in the special bonus provisions in paragraph D.7 of this section.
  - (8) Mixed use building type is applicable only in Perimeter District Subdistrict C. See paragraph D.7.d of this section for special provisions of the mixed use building type.
  - (9) A parking structure may achieve the maximum permitted height if the development of the project limit area which contains the parking structure provides a bonusable amenity through participation in the FAR Amenity Incentive System, LUC 20.25A.030.
  - (10) On lots that are bisected by the Downtown Boundary, the Director may allow the minimum setback from the Downtown Boundary to be measured from the perimeter property lines abutting other lots located outside the Downtown Boundary. The modification must be consistent with the Perimeter District purpose statement contained in subsection B of this section. This provision may be used to modify only the setback location and not the minimum setback size.
4. FAR Exemption. In Subdistricts A and B, the following uses are excluded from the gross building area for the purpose of calculating floor area ratio (FAR):

- a. Hardware (Retail)
- b. Food (Retail)
- c. Drugstores
- d. Personal Services
- e. Education
- f. Universities and Colleges
- g. Charitable and Social Service Organizations
- h. Religious Activities
- i. Library/Museum
- j. Art Gallery
- k. Child Care Services
- l. Gasoline Service Stations
- m. Garden Supplies

Nothing in this paragraph amends the uses permitted in a land use district as displayed in Chart 20.10.440 – Uses in Land Use Districts.

5. Landscape Development.

- a. General. The standards of this paragraph supplement other landscape requirements of this Part 20.25A and LUC 20.20.520 for development in the Perimeter Design District.
- b. Linear Buffers.
  - i. General. Any development situated within Perimeter Design District – Subdistrict A shall provide a “linear buffer” within the minimum setback adjacent to the Downtown boundary required by paragraph D.3 of this section. The purpose of this feature is to produce a green buffer that will soften the visual impact of the relatively larger buildings. These design standards are minimum requirements for the size and quantity of trees, shrubs and other “linear buffer” elements. The specific design of the “linear buffer” for each project site will be determined through the Design Review Process. Design considerations include but are not limited to the placement of elements and their relationship to adjacent property as well as to the proposed development. Different sets of design standards apply to each of the locational conditions.
  - ii. Where the Downtown boundary falls within the Main Street, 100th Avenue NE or NE 12th Street right-of-way, the minimum setback from the Downtown boundary shall be landscaped according to the basic requirements and either Alternative A or B of the supplemental requirement.
    - (1) Basic Requirements (applicable in all cases):
      - (a) Must have a minimum width of 20 feet;
      - (b) Must abut and be within three feet in elevation of a sidewalk, so as to be visually and physically accessible;

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|-----|----------------------------|--|---|
|     | (c)                        | Must<br>provide at least one sitting space for each 200<br>square feet of the perimeter setback area;  |   |
|     | (d)                        | May not<br>be used for parking; vehicular access drives<br>shall be kept to a minimum;   |   |
|     | (e)                        | Must be<br>readily accessible to the public at all times;  |   |
|     | (f)                        | Must<br>include seasonal color in an amount of at least<br>10 percent of the perimeter setback area.   |   |
| (2) | Supplemental Requirements: |  |   |
|     | (a)                        | Alternative A:   |   |
|     | (i)                        | Three deciduous trees, with a minimum<br>caliper of three inches, per each 1,000<br>square feet of the perimeter setback<br>area; and  | T |
|     | (ii)                       | Two flowering trees, with a minimum<br>caliper of two inches, per each 1,000<br>square feet of perimeter setback area;<br>and  | T |
|     | (iii)                      | Seven evergreen shrubs, minimum five-<br>gallon size, per 1,000 square feet of the<br>perimeter setback area; and  | T |
|     | (iv)                       | Any paved surfaces shall be no more<br>than 10 percent of the perimeter<br>setback area; and   | A |
|     | (v)                        | Planting area must either be raised or<br>sloped. If raised, the planting area shall<br>be surrounded by a wall with a minimum<br>height of 18 inches and a maximum<br>height of 24 inches to allow for sitting. | P |
|     | (b)                        | Alternative B:   |   |
|     | (i)                        | Three deciduous trees, with a minimum<br>caliper of three inches, per each 1,000<br>square feet of the perimeter setback<br>area; and  | T |
|     | (ii)                       | Lawn greater than five feet in width or<br>ground cover on at least 25 percent of<br>the perimeter setback area; and   | L |
|     | (iii)                      | Any paved surfaces shall be no more<br>than 75 percent of the perimeter<br>setback area; and   | A |

- (iv) paved areas shall use brick, stone or tile in a pattern and texture that is level and slip-resistant; and P
    - (v) opportunities for pedestrian flow from the sidewalk shall be frequent and direct. Changes in grade between the linear buffer and sidewalk shall be accommodated by steps or terraces, rather than walls. O
  - i. Where the Downtown Boundary abuts property outside the Downtown other than right-of-way described in paragraph D.5.b.ii of this section, the minimum setback from the Downtown Boundary (or perimeter property lines when the setback has been relocated pursuant to Note 10 of subsection 20.25A.090D.3) shall be landscaped as follows:
    - (1) The entire setback (20 feet) shall be planted. No portion may be paved except for vehicular entrance drives and required midblock pedestrian connections.
    - (2) The setback must incorporate a berm having a minimum height of three and one-half feet.
    - (3) The setback must be planted with:
      - (a) Evergreen and deciduous trees, with no more than 30 percent deciduous, a minimum of 10 feet in height, at intervals no greater than 20 feet on center; and
      - (b) Evergreen shrubs, a minimum of two-gallon in size, at a spacing of three feet on center; and
      - (c) Living ground cover so that the entire remaining area will be covered in three years.
  - a. Street Trees. Street trees required by LUC 20.25A.060.C along Main Street, 100<sup>th</sup> Avenue NE or NE 12<sup>th</sup> Street must be at least four inches in cliper.
- 6. Special Design Standards. The following design standards apply to all development within the Perimeter Design District:
  - a. Upper Level Setback. A building facade facing any of the following streets must incorporate a 15-foot deep setback in that facade at a height no more than 40 feet above average finished grade:
    - i. The south side of NE 12th Street between 102nd Avenue NE and 112th Avenue NE; and
    - ii. Both sides of Main Street between 100th Avenue NE and Bellevue Way NE; and

- iii. The north side of Main Street between 108th Avenue NE and 112th Avenue NE; and
    - iv. The east side of 100th Avenue NE between the southwest corner and northwest corner of the Downtown boundary; and
    - v. Both sides of 102nd Avenue NE between Main Street and NE 1st Street.
  - b. Lighting. Lighting fixtures shall incorporate cutoff shields to minimize off-site impacts.
  - c. Signs. All signs shall be an integral part of the architectural design and shall be consistent with the scale and architecture of the building.
7. Special Bonus Provisions for Subdistrict C.
- a. The nonresidential 1.5 FAR may be exceeded in Subdistrict C only through the provision of neighborhood services and residential uses as provided in this paragraph.
  - b. The nonresidential 1.5 FAR may be exceeded in Subdistrict C only if at least 25 percent of the bonus FAR square footage is comprised of neighborhood services; provided, that the Director of the Department of Planning and Community Development may reduce the requirement to no less than 15 percent when at least 20 percent of all development on the site will consist of housing. Neighborhood services include the following uses:
    - i. Hardware (retail)
    - ii. Food (retail)
    - iii. Drugstores
    - iv. Personal services (as identified in LUC 20.10.440 Services Chart)
    - v. Child care services
    - vi. Gasoline service stations
    - vii. Garden supplies (retail)
  - c. In Subdistrict C, the FAR amenity standards in LUC 20.25A.030.C apply except that the amenity bonuses which may be earned to exceed the nonresidential FAR of 1.5 are as follows:
    - i. Neighborhood services, as defined in paragraph D.4 of this section, are bonused at a ratio of 2:1\*; and
    - ii. Residential uses, as described in LUC 20.25A.030.C.10 are bonused at a ratio of 1:1\*.

\*Measured as square feet of permitted development for each qualifying developed square foot of amenity.
  - d. Mixed Use. In a mixed use building type, the maximum FAR of 3.0 is the limit of all nonresidential uses in the building. Additional floor area may be permitted only as necessary to provide the special bonus residential uses required by this section in order to achieve the nonresidential floor area above an FAR of 1.5. In no case may the total FAR exceed 5.0. For the purposes of these provisions, the residential uses may be located in a separate building or buildings within the same project limit as the nonresidential uses; however, the mixed use building height of the Perimeter Design District Dimension Chart shall apply.

Section 2. This ordinance shall take effect and be in force five (5) days after passage by the City Council.

Passed by the City Council this 21st day of June, 1999, and signed in authentication of it passage this 21<sup>st</sup> day of June, 1999.

(SEAL)

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Mike Creighton, Mayor

Approved as to form:  
Richard L. Andrews, City Attorney

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Richard Gidley, Deputy City Attorney  
Attest:

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Myrna L. Basich, City Clerk  
Published June 25, 1999 \_\_\_\_\_